

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HAROLD B STEVENSON,
Plaintiff,

vs.

Case No. 05-3139-JTM

R. JOHNSON, et al.,
Defendants.

MEMORANDUM AND ORDER

This is a civil action by Harold Stevenson, an inmate of the El Dorado Correctional Facility in El Dorado, Kansas. Stevenson alleged that various officers at the penitentiary violated his Eighth Amendment rights during a January 11, 2005 physical altercation between himself and the officers. Stevenson has recently filed a motion to withdraw the complaint, stating that he cannot continue the action without the assistance of counsel, and that he will “regretfully withdraw my complaint & move on” with his life. (Dkt. No. 22, at 2).

Judge Van Bebber properly denied Stevenson’s request for appointment of counsel on April 21, 2005, finding that “he has the ability to present his claims and that the claims are not unusually complicated.” (Dkt. No. 8, at 2). The allegations here are not complex, involving a straightforward claim of battery. Stevenson makes no attempt to show that this conclusion was in error, and the court will honor plaintiff’s decision to withdraw the complaint.

IT IS ACCORDINGLY ORDERED this 11th day of October, 2005, that the Motion to Withdraw Complaint of plaintiff (Dkt. No. 22) is granted and the present action is hereby dismissed. Defendants' Motion for Extension of Time to file a Martinez Report (Dkt. No. 23) is denied as moot.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE